

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**7-W Allotment #121024**

**Grazing Permit**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0023-EA

*For Further Information Please Contact:*

Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301  
406-233-2800

BLM





**PROPOSED ACTION:** Issue a modified grazing permit reflecting current pasture capacities. The permit will be issued as follows:

(GR 2502302)

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
7-W Allotment No. 00341							
Custodial	20	Cattle	03/01	02/28	100	Custodial	242
Buffalo Pasture	55	Indigenous	03/01	02/28	16	Active	106
Summer Pasture	38	Cattle	03/01	02/20	61	Active	272
Devils Pasture	73	Cattle	03/01	02/25	88	Active	765
EOU to 6-X	3	Cattle	03/01	02/28	63	Custodial	28

Total Active AUMs: 1,413

**Terms and Conditions:**

Line 1: Pastures include Home, House, Yearling, and Winter. Grazing is authorized during the listed season for the recognized capacity of the public land.

Line 2: Bison are permitted in the Buffalo Pasture. Grazing is authorized during the listed season for the recognized capacity of the public land.

Line 3: Authorized for use by up to 200 Cattle for 67 days.

Line 4: Authorized for use by up to 200 Cattle for 131 days.

Line 5: 120 acres and 28 AUMs in the 7-W Allotment No. 00341 is used by the 6-X Allotment No. 00350, paid for on the 7-W grazing permit.

Supplemental feed (includes salting) will not be placed within one quarter mile of stock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feed defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available from public lands.



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

[www.blm.gov/mt](http://www.blm.gov/mt)

In Reply Refer To:

4100 (4160.1)

GR 2502302

December 10, 2012

Certified Mail No: 70113500000345159334

Return Receipt Requested

Weder Agricultural Limited Partnership

C/o Donald Weder

1111 6<sup>th</sup> Street

Highland IL 62249

## NOTICE OF PROPOSED DECISION

### BACKGROUND

The 7W Allotment No. 00341 is located approximately 25 miles north of Mosby, Montana in Garfield County. The allotment consists of 6,256 acres of BLM managed lands, 6,000 acres of private lands, and 640 acres of state lands. The BLM administered acreage on the 7W Allotment has 1,413 AUMs of active use.

In July 2012, Weder Agricultural Limited Partnership applied to increase the number of bison (indigenous) permitted on the 7W Allotment. In October 2012, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0023-EA) to analyze the issuance of the BLM grazing permit. The proposed action listed that the total active use for the 7W Allotment would be 1,413 AUMs active use. A Finding of No Significant Impact (FONSI) was signed by the authorized officer on November 20, 2012.

### PROPOSED DECISION

It is my proposed decision to issue a grazing permit, which authorizes the grazing of the 7W Allotment No. 00341 as follows. The term of the new grazing permit will be from November 20, 2012 to February 28, 2022.

(GR 2502302)

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### **RATIONALE**

Existing information indicates the 7W Allotment is meeting the Standards for Rangeland Health (43 CFR 4180); the grazing permit should be issued under the direction of 43 CFR.

The BLM determined that Weder Agricultural Limited Partnership is a current permittee and has a satisfactory record. The issuance of the grazing permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

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### **AUTHORITY**

The following sections of the Code of Federal Regulations, chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

[http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/policy/im\\_attachments/2007.Par.69047.File.dat/IM2007-137\\_att1.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf)

**§4110.1 Mandatory qualifications**

**§4110.2-1 Base property.**

**§4110.2-2 Specifying permitted use.**

**§4130.2 Grazing permits or leases**

**§ 4120.2 Allotment management plans and resource activity plans.**

**§ 4120.3-2 Cooperative range improvement agreements.**

**§4130.3 Terms and conditions**

**§4130.3-1 Mandatory terms and conditions**

**§4130.3-2 Other terms and conditions**

**§4130.3-3 Modification of permits and leases**

**§4160.1 Proposed decisions**

**§4160.2 Protests**

**§4160.3 Final decisions**

**§4160.4 Appeals**

### **RIGHT OF PROTEST AND APPEAL**

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager  
Bureau of Land Management, Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

**Appeal:**

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9and 43 CFR 4.471), pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

Find enclosed 2 copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the Authorized Officer, you will be provided with a signed copy for your records.

If you have any questions on this document please contact Dawn Doran, Rangeland Management Specialist at 406-233-2833.

Sincerely,



For Todd D. Yeager  
Field Manager, Miles City Field Office

Enclosure

Doran:lrn:12/4/12:WederAgLimited\_Partnership\_Decision\_Doran\_2012